IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SUO MOTU CONTEMPT PETITION NO. 158 OF 2002
IN
CIVIL REVISION APPLICATION NO. 91 OF 2002

High Court on its own motion .. Petitioner

V/s.

Yusuf Vali Mohammed .. Respondent/Contemnor.

Mr. V.A.Thorat with Ms. S. Jaydev i/by Khaitan Jaykar for the Respondent /Contemnor.

CORAM : S. A. BOBDE, J.

DATED : 10th SEPTEMBER, 2007.

P.C. :-

. The respondent is charged with contempt of court for carrying out amendment before the period of six weeks provided for carrying out the amendment and contrary to a stay order granted by the city civil court.

2. The respondent's application for joinder of the party was allowed by the city civil court. The respondent was allowed to carry out the amendment accordingly within a period of six weeks. In that case the plaintiff failed to carry out the amendment and he had applied for stay which was granted for a period of

six weeks from 08.11.2001. The plaintiff had also applied for extension of stay which was rejected. The six weeks period was to expire on 20th December, 2001. However, it seems that the respondent carried out the amendment on 19.12.2001. According to his affidavit, he carried out the amendment under legal advice. There is no doubt that the respondent was not entitled as a matter of law to carry out the amendment since the stay was in effect till 20th December, 2001. However, it is difficult to see any ulterior motive behind it or to cause any serious prejudice to the either side in carrying out the said amendment. It is difficult to infer that the respondent wilfully disobeyed the order of the court.

3. In the circumstances, considering the unconditional apology of the respondent, the notice for contempt is hereby discharged. The contempt petition is dismissed.

(S.A.BOBDE,J.)

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